

RECEIVED
CENTRAL FAX CENTER

MAR 09 2005

AKIN GUMP
STRAUSS HAUER & FELD LLP

Attorneys at Law

FAX TRANSMISSION

March 9, 2005

| To | Company | Fax | Phone |
|---------------------|---------|--------------|--------------|
| Mail Stop Amendment | USPTO | 703.872.9306 | 703.308.9723 |

From: Charles M. Cox
Total Pages: 4
Direct Dial: 713.220.8182
Re: Patent Application No. 10/698,737

Message: Attached for filing please find:

Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent
Fee Transmittal Form (in duplicate)

053912.0133/0113671

Floor: 42

x Return fax via Interoffice Mail

Sender's email: mgallo@akingump.com

Secretary: mag

☐ Hold fax for pickup

Sender's fax: 713.236.0822

Ext: 15846

Fax Operation Verification: _____

The information contained in this facsimile message is attorney-client privileged and confidential, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us by mail at the address below.

1111 Louisiana Street, 44th Floor / Houston, Texas 77002-5200 / 713.220.5600 / fax 713.236.0822 / akingump.com

BEST AVAILABLE COPY

MAR 09 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-----------------------------|---|---------------|-------------------|
| In re Applicant: | § | Conf. No.: | 3128 |
| | § | | |
| ATTILIO TOMASI, et al. | § | | |
| | § | | |
| Filed: October 31, 2003 | § | Art Unit: | 1625 |
| | § | | |
| Serial No.: 10/698,737 | § | Examiner: | Charanjit Aulkakh |
| | § | | |
| For: CRYSTALLINE FORM II OF | § | Docket No.: | H053912.0133US0 |
| CABERGOLINE | § | | |
| | § | Customer No.: | 01200 |

CERTIFICATE OF MAILING BY FACSIMILE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office at facsimile number 703-872-9306, on March 9, 2005.

- (1) Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent
(Previous Terminal Disclaimer mailed 11/29/2004 with Response to Office
action dated October 8, 2004)
- (2) Fee Transmittal (in duplicate)
with authorization to charge deposit account

Respectfully submitted,

Date March 8, 2005


Charles M. Cox, Reg. No. 29,057

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
1111 Louisiana Street, 44th Floor
Houston, Texas 77002
(713) 220-5800
(713) 236-0822 Fax

BEST AVAILABLE COPY

PTO/SB/17 (01-03)

| | | | |
|---|-----------|--------------------------|------------------|
| FEE TRANSMITTAL for FY 2004 <i>Patent fees are subject to annual revision</i> | | Complete if Known | |
| | | Application Number | 10/698,737 |
| | | Filing Date | October 31, 2003 |
| | | First Named Inventor | ATTILIO TOMASI |
| | | Examiner Name | Charanjit Aulakh |
| | | Group / Art Unit | 1625 |
| Total Amount of Payment | \$ 130.00 | Attorney Docket No. | H053912.0133US0 |

| METHOD OF PAYMENT (check one) 1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account No.: <u>16-2435</u> Deposit Account Name: <u>Akin Gump Strauss Hauer & Feld, LLP</u> <input checked="" type="checkbox"/> Charge any additional Fee Required Under 37 CFR §§ 1.16 & 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Credit Card <input type="checkbox"/> Other | | | | FEE CALCULATION (continued) 3. Additional Fees | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|----------------|----------------|----------------|--|-----------|--|--|----------------|----------------|----------------|----------------|-----------------|----------|------|---------|------|--------|--------------------------------|----|------|--------|------|--------|-------------------|----|------|--------|------|--------|------------------|----|------|--------|------|--------|-------------------------------|----|------|-------|------|-------|---|----|---------------------|--------|------|--------|--|----|------|-------|------|-------|--|----|------|--------|------|--------|---|----|------|--------|------|--------|---|----|------|--------|------|--------|---|----|---|--|--|--|--|-----------|----------------------|--|--|--|--|----|------------------------------------|--|--|--|--|--|---------------------|--|--|--|--|-----------|
| 1. Basic Filing Fee | | | | <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Large Fee (\$)</th> <th>Small Fee Code</th> <th>Small Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1001</td> <td>\$720</td> <td>2001</td> <td>\$385</td> <td>Utility Filing Fee</td> <td>\$</td> </tr> <tr> <td>1002</td> <td>\$340</td> <td>2002</td> <td>\$170</td> <td>Design Filing Fee</td> <td>\$</td> </tr> <tr> <td>1003</td> <td>\$530</td> <td>2003</td> <td>\$265</td> <td>Plant Filing Fee</td> <td>\$</td> </tr> <tr> <td>1004</td> <td>\$770</td> <td>2004</td> <td>\$385</td> <td>Reissue Filing Fee</td> <td>\$</td> </tr> <tr> <td>1005</td> <td>\$160</td> <td>2005</td> <td>\$ 80</td> <td>Provisional Filing Fee</td> <td>\$</td> </tr> <tr> <td colspan="5">Subtotal (1)</td> <td></td> </tr> </tbody> </table> | | | | Large Fee Code | Large Fee (\$) | Small Fee Code | Small Fee (\$) | Fee Description | Fee Paid | 1001 | \$720 | 2001 | \$385 | Utility Filing Fee | \$ | 1002 | \$340 | 2002 | \$170 | Design Filing Fee | \$ | 1003 | \$530 | 2003 | \$265 | Plant Filing Fee | \$ | 1004 | \$770 | 2004 | \$385 | Reissue Filing Fee | \$ | 1005 | \$160 | 2005 | \$ 80 | Provisional Filing Fee | \$ | Subtotal (1) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Large Fee Code | Large Fee (\$) | Small Fee Code | Small Fee (\$) | Fee Description | Fee Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1001 | \$720 | 2001 | \$385 | Utility Filing Fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1002 | \$340 | 2002 | \$170 | Design Filing Fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1003 | \$530 | 2003 | \$265 | Plant Filing Fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1004 | \$770 | 2004 | \$385 | Reissue Filing Fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1005 | \$160 | 2005 | \$ 80 | Provisional Filing Fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Subtotal (1) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. Extra Claim Fees | | | | <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Large Fee (\$)</th> <th>Small Fee Code</th> <th>Small Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1501</td> <td>\$1,330</td> <td>2501</td> <td>\$ 665</td> <td>Utility issue fee (or reissue)</td> <td>\$</td> </tr> <tr> <td>1502</td> <td>\$ 480</td> <td>2502</td> <td>\$ 240</td> <td>Design issue fee</td> <td>\$</td> </tr> <tr> <td>1503</td> <td>\$ 640</td> <td>2503</td> <td>\$ 320</td> <td>Plant issue fee</td> <td>\$</td> </tr> <tr> <td>1460</td> <td>\$ 130</td> <td>1460</td> <td>\$ 130</td> <td>Petitions to the Commissioner</td> <td>\$</td> </tr> <tr> <td>1807</td> <td>\$ 50</td> <td>1807</td> <td>\$ 50</td> <td>Petitions related to provisional applications</td> <td>\$</td> </tr> <tr> <td>1806</td> <td>\$ 180</td> <td>1806</td> <td>\$ 180</td> <td>Submission of Information Disclosure Statement</td> <td>\$</td> </tr> <tr> <td>8021</td> <td>\$ 40</td> <td>8021</td> <td>\$ 40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td>\$</td> </tr> <tr> <td>1809</td> <td>\$ 770</td> <td>2809</td> <td>\$ 385</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td>\$</td> </tr> <tr> <td>1801</td> <td>\$ 770</td> <td>2801</td> <td>\$ 385</td> <td>Request for Continued Examination (RCE)</td> <td>\$</td> </tr> <tr> <td>1802</td> <td>\$ 900</td> <td>1802</td> <td>\$ 900</td> <td>Request for expedited examination of a design application</td> <td>\$</td> </tr> <tr> <td colspan="5">Other fee (specify): <u>Terminal Disclaimer</u></td> <td>\$ 130.00</td> </tr> <tr> <td colspan="5">Other fee (specify):</td> <td>\$</td> </tr> <tr> <td colspan="5">* Reduced by Basic Filing Fee Paid</td> <td></td> </tr> <tr> <td colspan="5">Subtotal (3)</td> <td>\$ 130.00</td> </tr> </tbody> </table> | | | | Large Fee Code | Large Fee (\$) | Small Fee Code | Small Fee (\$) | Fee Description | Fee Paid | 1501 | \$1,330 | 2501 | \$ 665 | Utility issue fee (or reissue) | \$ | 1502 | \$ 480 | 2502 | \$ 240 | Design issue fee | \$ | 1503 | \$ 640 | 2503 | \$ 320 | Plant issue fee | \$ | 1460 | \$ 130 | 1460 | \$ 130 | Petitions to the Commissioner | \$ | 1807 | \$ 50 | 1807 | \$ 50 | Petitions related to provisional applications | \$ | 1806 | \$ 180 | 1806 | \$ 180 | Submission of Information Disclosure Statement | \$ | 8021 | \$ 40 | 8021 | \$ 40 | Recording each patent assignment per property (times number of properties) | \$ | 1809 | \$ 770 | 2809 | \$ 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | \$ | 1801 | \$ 770 | 2801 | \$ 385 | Request for Continued Examination (RCE) | \$ | 1802 | \$ 900 | 1802 | \$ 900 | Request for expedited examination of a design application | \$ | Other fee (specify): <u>Terminal Disclaimer</u> | | | | | \$ 130.00 | Other fee (specify): | | | | | \$ | * Reduced by Basic Filing Fee Paid | | | | | | Subtotal (3) | | | | | \$ 130.00 |
| Large Fee Code | Large Fee (\$) | Small Fee Code | Small Fee (\$) | Fee Description | Fee Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1501 | \$1,330 | 2501 | \$ 665 | Utility issue fee (or reissue) | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1502 | \$ 480 | 2502 | \$ 240 | Design issue fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1503 | \$ 640 | 2503 | \$ 320 | Plant issue fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1460 | \$ 130 | 1460 | \$ 130 | Petitions to the Commissioner | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1807 | \$ 50 | 1807 | \$ 50 | Petitions related to provisional applications | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1806 | \$ 180 | 1806 | \$ 180 | Submission of Information Disclosure Statement | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8021 | \$ 40 | 8021 | \$ 40 | Recording each patent assignment per property (times number of properties) | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1809 | \$ 770 | 2809 | \$ 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1801 | \$ 770 | 2801 | \$ 385 | Request for Continued Examination (RCE) | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1802 | \$ 900 | 1802 | \$ 900 | Request for expedited examination of a design application | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other fee (specify): <u>Terminal Disclaimer</u> | | | | | \$ 130.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other fee (specify): | | | | | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| * Reduced by Basic Filing Fee Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Subtotal (3) | | | | | \$ 130.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Submitted by

Charles M. Cox, Reg. No. 29,057

Date: March 9, 2005

053912.0133 WEST 5574119 v1

BEST AVAILABLE COPY

PTO/SB/17 (01-03)

**FEE TRANSMITTAL
for FY 2004**

Patent fees are subject to annual revision.

| Complete if Known | |
|----------------------|-------------------|
| Application Number | 10/698,737 |
| Filing Date | October 31, 2003 |
| First Named Inventor | ATTILIO TOMASI |
| Examiner Name | Charanjit Anlakti |
| Group / Art Unit | 1625 |
| Attorney Docket No. | H053912.0133US0 |

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
 Deposit Account No.: 16-2435
 Deposit Account Name:
Akin Gump Strauss Hauer & Feld, LLP
☒ Charge any additional Fee Required Under 37 CFR §§ 1.16 & 1.17
☐ Applicant claims small entity status.
 See 37 CFR 1.27

2. ☐ Payment Enclosed: ☐ Check
☐ Money Order
☐ Credit Card
☐ Other

FEE CALCULATION**1. Basic Filing Fee**

| Code | Fee | Code | Fee | Description | Amount |
|--------------|-------|------|-------|------------------------|--------|
| 1001 | \$770 | 2001 | \$385 | Utility Filing Fee | \$ |
| 1002 | \$340 | 2002 | \$170 | Design Filing Fee | \$ |
| 1003 | \$330 | 2003 | \$265 | Plant Filing Fee | \$ |
| 1004 | \$770 | 2004 | \$385 | Reissue Filing Fee | \$ |
| 1005 | \$160 | 2005 | \$ 80 | Provisional Filing Fee | \$ |
| Subtotal (1) | | | | | \$ |

2. Extra Claim Fees

| Code | Fee | Code | Fee | Description | Amount |
|--------------------|-------|------|-----|-------------|--------|
| Total | -20** | | | | \$ |
| Indep. | -3** | | | | \$ |
| Multiple Dependent | | | | | \$ |

**or number previously paid, if greater.

For Reissues, see below

| Code | Fee | Code | Fee | Description | Amount |
|--------|--------|------|-----|---|--------|
| \$ 18 | \$ 9 | | | Claims in excess of 20 | |
| \$ 86 | \$ 43 | | | Independent claims in excess of 3 | |
| \$ 290 | \$ 145 | | | Multiple dependent claims, if not paid | |
| \$ 86 | \$ 43 | | | **Reissue independent claims over original patent | |
| \$ 18 | \$ 9 | | | **Reissue claims in excess of 20 and over original patent | |

FEE CALCULATION (continued)**3. Additional Fees**

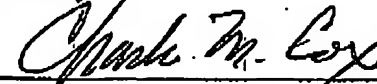
| Code | Fee | Code | Fee | Description | Amount |
|------|---------|------|---------|--|--------|
| 1051 | \$ 130 | 2051 | \$ 63 | Surcharge - late initial fee | \$ |
| 1052 | \$ 50 | 2052 | \$ 25 | Surcharge - late provisional filing fee or cover sheet | \$ |
| 1812 | \$2,520 | 1812 | \$2,520 | Request for Reexamination | \$ |
| 1804 | \$920* | 1804 | \$920* | Requesting publication of SIR prior to Examiner action | \$ |
| 1805 | \$1840* | 1805 | \$1840* | Requesting publication of SIR after Examiner action | \$ |
| 1251 | \$ 110 | 2251 | \$ 55 | Extension for reply within first month | \$ |
| 1252 | \$ 420 | 2252 | \$ 210 | Extension for reply within second month | \$ |
| 1253 | \$ 930 | 2253 | \$ 475 | Extension for reply within third month | \$ |
| 1254 | \$1,480 | 2254 | \$ 740 | Extension for reply within fourth month | \$ |
| 1255 | \$2,010 | 2255 | \$1,050 | Extension for reply within fifth month | \$ |
| 1401 | \$ 330 | 2401 | \$ 165 | Notice of Appeal | \$ |
| 1402 | \$ 330 | 2402 | \$ 165 | Filing a brief in support of an appeal | \$ |
| 1403 | \$ 290 | 2403 | \$ 145 | Request for oral hearing | \$ |
| 1452 | \$ 110 | 2452 | \$ 55 | Petition to revive - unavoidable | \$ |
| 1453 | \$1,330 | 2453 | \$ 665 | Petition to revive - unintentional | \$ |
| 1501 | \$1,330 | 2501 | \$ 665 | Utility issue fee (or reissue) | \$ |
| 1502 | \$ 480 | 2502 | \$ 240 | Design issue fee | \$ |
| 1503 | \$ 640 | 2503 | \$ 320 | Plant issue fee | \$ |
| 1460 | \$ 130 | 1460 | \$ 130 | Petitions to the Commissioner | \$ |
| 1807 | \$ 50 | 1807 | \$ 50 | Petitions related to provisional applications | \$ |
| 1806 | \$ 180 | 1806 | \$ 180 | Submission of Information Disclosure Statement | \$ |
| 8021 | \$ 40 | 8021 | \$ 40 | Recording each patent assignment per property (times number of properties) | \$ |
| 1809 | \$ 770 | 2809 | \$ 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | \$ |
| 1801 | \$ 770 | 2801 | \$ 385 | Request for Continued Examination (RCE) | \$ |
| 1802 | \$ 900 | 1802 | \$ 900 | Request for expedited examination of a design application | \$ |

Other fee (specify): Typical Disclaimer \$ 130.00

Other fee (specify):

* Reduced by Basic Filing Fee Paid

Submitted by



Charles M. Cox, Reg. No. 29/057

Date: March 9, 2005

053912.0133 WEST 3574119 v1

BEST AVAILABLE COPY